

**BOARD OF REGISTERED NURSING**

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**BACKGROUND CHECKS FOR STUDENT CLINICAL PLACEMENT**

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During the past year the Board of Registered Nursing (BRN) has received numerous questions regarding the issue of background checks on registered nursing students prior to clinical placement. The Board has been asked to assist programs with meeting this major new requirement and the difficulties and concerns that this issue raises.

The use of background checks on individuals working in clinical settings is one of the means agencies use to help protect their clients/patients. While obtaining background checks on employees is not new for clinical agencies, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) has recently added to their Human Resources standards (HR.1.20) a section related to criminal background checks. The JCAHO standard requires agencies to include nursing students in criminal background checks *when required by state law, regulation or hospital policy*. ([www.jcaho.com](http://www.jcaho.com))

Unlike some states, California has no list of penal code convictions or actions that would prohibit an applicant from ever being licensed as a Registered Nurse. Therefore, the BRN does not require prelicensure nursing programs to screen potential students for a history of convictions prior to acceptance into their program. The BRN only requires background checks on criminal convictions at the time of application for licensure. Furthermore, BRN staff reviews all applications with prior convictions on an individual case-by-case basis before issuing or denying licensure. The criteria used by the Board in evaluating an applicant's present eligibility for licensure are found in the California Code of Regulations (CCR) Section 1445. ([www.rn.ca.gov](http://www.rn.ca.gov))

Clinical agencies have the right to establish criteria that would exclude a student from placement at their facility. Those clinical agencies that have a policy that include student nurses in their requirement for criminal background checks will need to comply with their own policy to be compliant with the JCAHO Standard. HR 1.20. On the other hand agencies may use different criteria for students than are used for employees or exempt them entirely.

The Board does expect that nursing programs will establish a written policy describing the process for obtaining background checks for those clinical agencies that require them. The policy on background checks, like all program policies, must be published in documents that are available to applicants and students; examples include admission packets and school catalogs and or nursing student handbooks. The written policies should include the following:

- Who will perform the search (the college, the agency or an independent service);

- Who will pay for the process;
- Where and by whom the results will be maintained and protected (student confidentiality);
- What criteria will be used to exclude a student from a particular clinical placement; and
- How alternative placement will be provided in the event a student is denied a clinical placement.

The Board encourages clinical agencies and nursing programs to work collaboratively in establishing standardized policies that are the least restrictive possible while also protecting the rights of consumers.

### **Frequently Asked Questions Related to Background Checks:**

**Question: Does the BRN require student nurses to undergo criminal background checks prior to admission in a prelicensure school of nursing?**

No. The Board has no authority to request a criminal background check except at the time of application for licensure.

**Question: Does the Joint Commission on Accreditation of Healthcare Organization (JCAHO) require that student nurses in California have criminal background checks done prior to the students participating in a clinical rotation in a JCAHO approved facility?**

No. JCAHO requires that clinical agencies follow state law/regulation and their own organization's policy regarding background checks on students. (See JCAHO website [www.jcaho.com](http://www.jcaho.com)) There is no state law in California that mandates background checks be completed on nursing students. Some clinical agencies have included student nurses in the category of individuals that need to be screened, therefore, JCAHO would also require that nursing students need background checks done.

**Question: If a clinical agency denies a student with a prior conviction from being placed at their facility does the BRN require that the student be dropped from that course or from the program?**

No. The program is expected to find an alternative clinical site for the student to complete the objectives of the course.

**Question: If a student is denied access to a clinical agency due to a prior conviction does that prevent the student from ever getting licensed?**

No. The BRN reviews all prior convictions that are substantially related to the practice of nursing and evaluates each application on a case-by-case basis.

**Question: One of our clinical agencies has a policy that bars students with a prior conviction involving drug abuse. Should we advise students with the same or similar not to pursue nursing as a career?**

No. Unlike some states, there is no specific type of conviction that will disqualify an applicant for licensure. The BRN reviews all convictions and the supporting documents provided by the applicant to determine if the application will be approved or denied.

**Question: If our students have had a criminal background done as part of clinical placement can they use that information as part of their application packet for licensure?**

No. The BRN must request a background check on all applicants for licensure. As a health care licensing Board, the background check conducted on applicants is more extensive than most employers obtain. Many clinical agencies require only a limited time period (five or seven years) and ask only for felony convictions. The BRN requires disclosure of all convictions except minor traffic violations and reviews each applicants record on a case-by-case basis.

**Question: If a student is denied access to a clinical site due to a positive criminal background check does the nursing program have to find an alternative site for the student to meet course requirements?**

Yes. Since the specific conviction may not prevent the student from ultimately being licensed, the conviction should not be used as grounds for dismissing the student from the course or from the program.

**Question: Does the college or university request the Department of Justice to perform a criminal background check on their nursing students in order to meet clinical agency requirements for placement?**

No. Only authorized agencies may request the Department of Justice to perform criminal background checks. The nursing program or the agency may utilize private companies that provide background checks for a fee. Two such services are InfoLink Screening Services, Inc ([www.infolinkscreening.com](http://www.infolinkscreening.com)) and My Background Check an Applicant Supplied Background Checks ([www.MyBackgroundCheck.com](http://www.MyBackgroundCheck.com)). The clinical agency requiring background checks needs to provide program with the parameters of the search required, the time period to be screened and the criteria for excluding a student from participating in a clinical rotation at their facility.

**Question: Should results of criminal background checks be placed in the student's academic file?**

The self-disclosed student information and the results of a background check are confidential information. The nursing program must develop in consultation with their administration and clinical agencies a means to safeguard this information. The process, maintenance and security of student background checks should be described in the program's contract with those agencies requiring screening of nursing students and in policies provided to students and applicants.

**Question: Do students need to have a background check done every time they go to a new clinical agency?**

The Board encourages nursing programs to work collaboratively with other nursing programs in their geographical area to develop a standardized policy with all clinical agencies requiring background checks on nursing students. Since there is no state law

or regulation that mandates background checks on nursing students, individual agency policy is the source of this requirement. Working collaboratively within a geographic area is probably the most efficient way to coordinate requirements in the least disruptive manner.

**Question: Can a clinical agency refuse to allow a student to do a clinical course at their agency as a result of a prior conviction?**

Yes. The Board would encourage the nursing program to work with the agency to review any prior convictions in the same way that the BRN staff reviews applicants with prior convictions.